

*60264 220 ILCS 5/9-252.1

WEST'S SMITH-HURD
ILLINOIS COMPILED
STATUTES ANNOTATED
CHAPTER 220. UTILITIES
ACT 5. PUBLIC UTILITIES ACT
ARTICLE IX. RATES

*Current through P.A. 91-111, apv. 7/14/
1999*

5/9-252.1. Refunds for overcharges

§ 9-252.1. When a customer pays a bill as submitted by a public utility and the billing is later found to be incorrect due to an error either in charging more than the published rate or in measuring the quantity or volume of service provided, the utility shall refund the overcharge with interest from the date of overpayment at the legal rate or at a rate prescribed by rule of the Commission. Refunds and interest for such overcharges may be paid by the utility without the need for a hearing and order of the Commission. Any complaint relating to an incorrect billing must be filed with the Commission no more than 2 years after the date the customer first has knowledge of the incorrect billing.

CREDIT(S)

1999 Electronic Update

*Laws 1921, p. 702, § 9-252.1, added by P.A. 88-323, § 1,
eff. Jan. 1, 1994.*

<General Materials (GM) - References,
Annotations, or Tables>

ANNOTATIONS

NOTES OF DECISIONS

Jurisdiction 1

1. Jurisdiction

Commerce Commission has exclusive jurisdiction over complaints of excessive rates or overcharges by public utilities; and courts have jurisdiction over those matters only on administrative review. *Village of Evergreen Park v. Commonwealth Edison Co.*, App. 1 Dist.1998, 231 Ill.Dec. 220, 296 Ill.App.3d 810, 695 N.E.2d 1339, appeal denied 235 Ill.Dec. 563, 179 Ill.2d 581, 705 N.E.2d 436.

Circuit court has jurisdiction over an action against a public utility if it is not one for reparations, but rather seeks civil damages based upon a violation of other provisions of the Public Utilities Act or any rule, regulation, order, or decision of the Commerce Commission. *Village of Evergreen Park v. Commonwealth Edison Co.*, App. 1 Dist.1998, 231 Ill.Dec. 220, 296 Ill.App.3d 810, 695 N.E.2d 1339, appeal denied 235 Ill.Dec. 563, 179 Ill.2d 581, 705 N.E.2d 436.

Village's claim that a public electric utility wrongfully collected money for street lights that had been taken out of service was a claim for overcharge within the exclusive jurisdiction of the Commerce Commission, not a claim for breach of contract or misrepresentation belonging in circuit court, where the essence of the claim was that the utility charged too much for its services by miscounting the number of lights in service. *Village of Evergreen Park v. Commonwealth Edison Co.*, App. 1 Dist.1998, 231 Ill.Dec. 220, 296 Ill.App.3d 810, 695 N.E.2d 1339, appeal denied 235 Ill.Dec. 563, 179 Ill.2d 581, 705 N.E.2d 436.